



Attorney Docket no: PHO-102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Dees et al.

Serial No.: 09/130,213

Filed: August 6, 1998

For: Treatment of Pigmented Tissue Using Optical
Energy

Examiner: Dinh X. Nguyen

Art Unit: 3738

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on

January 10, 2005
(Date of Deposit)

Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Signature

Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicant hereby calls the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of these references is enclosed herewith.

No inference should be drawn that the attached list sets forth a comprehensive investigation of the prior art, that any or all are pertinent to the invention, or that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be

construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

A RCE was recently filed in application, no fee is believed necessary for this IDS. In addition, these documents were cited in an Office Action dated December 3, 2004 in USSN 09/817,448. If a fee is required, please charge our Deposit Account No. 50/1039.

Respectfully submitted,



Mark J. Murphy

Registration No.: 34,225

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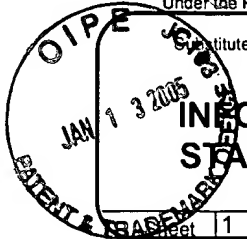
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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Complete if Known

Application Number	09/130,213
Filing Date	August 6, 1998
First Named Inventor	Dees et al.
Art Unit	3738
Examiner Name	Thomas C. Barrett
Attorney Docket Number	PHO-102

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

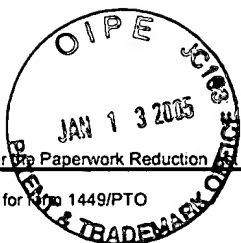
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				
	5	WO 96/07431	3/14/1996	Gaboury et al.		
	6	WO 97/03697	2/6/1997	Bottiroli et al		
	7	WO 97/26920	7/31/1997	Hansjorg	English Abstract	

Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/130,213
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Art Unit	3738
Examiner Name	Thomas C. Barrett
Attorney Docket Number	PHO 102

Sheet 2 of 2

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	8	Xanthenes: Fluorone Derivatives, THE JOURNAL OF ORGANIC CHEMISTRY 57(1992) JULY 31, no. 16, Washington, DC pps 4418-4421	
	9	(Svensk Farmaceutisk Tidskrift (1973) 77 (13): 641-647 (Abstract)	

Examiner
SignatureDate
Considered

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